

REMARKS

Claims 1-10, 12-15, and 18-25 are pending in this application. Claims 1-9 and 18-24 are allowed. Claims 10, 13-17, and 25 stand rejected. Claims 11-12 are objected to. Claims 11 and 16-17 have been cancelled.

The objection to the drawings as failing to comply with 37 C.F.R. 1.84(p)(5) is respectfully traversed. Applicant has requested approval of drawing changes to remove reference signs 76 and 78. Therefore, Applicant respectfully requests that the objection to the drawings as failing to comply with 37 C.F.R. 1.84(p)(5) be withdrawn.

The objection to the drawings as too small of scale is respectfully traversed. Applicant has submitted formal drawings of larger scale. Therefore, Applicant respectfully requests that the objection to the drawings as too small of scale be withdrawn.

The rejection of Claims 10 and 13 under 35 U.S.C. § 102(e) as being anticipated by Maki et al. (U.S. Patent 6,434,216) is respectfully traversed.

Claim 11 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claim 10 has been amended to include the recitations of Claim 11 and is therefore submitted to be patentable over Maki et al.

Claim 13 depends directly from independent Claim 10. When the recitations of Claim 13 are considered in combination with the recitations of Claim 10, Applicant submits that dependent Claim 13 likewise is patentable over Maki et al.

For the reasons set forth above, Applicant respectfully requests that the Section 102 rejection of Claims 10 and 13 be withdrawn.

The rejection of Claims 14-17 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Maki et al. (U.S. Patent 6,434,216) in view of Haynor et al. (U.S. Patent 6,129,668) is respectfully traversed.

Maki et al. describe a rotatable transmission ring (14) and a storage device (16) adjacent the transmission ring, wherein the transmission includes a plurality of receiver openings (58) including a magnetic material to secure a source pin (20, 22, or 24). Column 2, lines 34-36.

Haynor et al. describe a system and method for the detection of a position of a magnet associated with an indwelling medical device. The system includes a plurality of magnetic sensors that each generate a set of signals as a function of the magnetic field strength generated from the magnet and a direction from the sensor to the magnet. A processor calculates a predicted position of the magnet in a 3-dimensional space and calculates a predicted value related to magnetic field strength of the magnet at the predicted location. Column 2, lines 50-59.

Applicant respectfully submits that the Section 103 rejection of the presently pending claims is not a proper rejection. Obviousness cannot be established by merely suggesting that it would have been obvious to one of ordinary skill in the art to modify Maki et al. according to the teachings of Haynor et al. More specifically, as is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Maki et al. nor Haynor et al., alone or in combination, describe or suggest the claimed combination. Rather, the present Section 103 rejection appears to be based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically Maki et al. is cited for its teaching of a transmission ring that includes a plurality of receiver openings including a magnetic material to secure a source pin, and Haynor et al. is cited for its teaching of a detection of a position of a magnet associated with an indwelling medical device. Since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicant respectfully requests that the Section 103 rejection of Claims be withdrawn.

Additionally, as the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicant's disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown. Specifically, the Examiner has not pointed to any prior art that teaches or suggests a reasonable expectation of success or motivation in combining the disclosures, other than Applicant's own teaching.

Further, and to the extent understood, neither Maki et al. nor Haynor et al., alone or in combination, describe or suggest the claimed combination, and as such, the presently pending claims are patentably distinguishable from the cited combination. Specifically, Claim 14 recites an imaging system including "a rotatable transmission ring; a storage device adjacent said transmission ring, said storage device comprises a magnetic force holding a source pin in place; and a proximity sensor positioned to sense a presence of a source of the source pin in said storage device, wherein said rotatable transmission ring comprises a source of magnetic force stronger than said storage device magnetic force and configured to move said source pin between said storage device and said transmission ring".

Neither Maki et al. nor Haynor et al., alone or in combination, describe or suggest an imaging system that includes a rotatable transmission ring, a storage device adjacent the transmission ring, wherein the storage device includes a magnetic force holding a source pin in place, and a proximity sensor positioned to sense a presence of the source pin in the storage device, wherein the rotatable transmission ring includes a source of magnetic force stronger than the storage device magnetic force and configured to move the source pin between the storage device and the transmission ring. Moreover, neither Maki et al. nor Haynor et al., alone or in combination, describe or suggest a rotatable transmission ring including a source of magnetic force stronger than the storage device magnetic force and configured to move the source pin between the storage device and the transmission ring.

Rather, Maki et al. describes a transmission ring that includes a plurality of receiver openings including a magnetic material to secure a source pin, and Haynor et al. describes the detection of a position of a magnet associated with an indwelling medical device. For at least the reasons above, Claim 14 is submitted to be patentable over Maki et al. in view of Haynor et al.

Claim 15 depends directly from independent Claim 14. When the recitations of Claim 15 are considered in combination with the recitations of Claim 14, Applicant submits that dependent Claim 15 likewise is patentable over Maki et al. in view of Haynor et al.

Claims 16-17 have been canceled.

Claim 25 recites a Positron Emission Tomography (PET) system including "a rotatable transmission ring; a storage device adjacent said transmission ring; at least one source pin sized to be storable in said storage device, said storage device having a magnetic force holding said source pin in place; a proximity sensor positioned to sense a presence of said source pin within said storage device; and a source of magnetic force on said transmission ring stronger than said storage device magnetic force, said transmission ring source configured to move said source pin between said storage device and said transmission ring".

Neither Maki et al. nor Haynor et al., alone or in combination, describe or suggest a PET system including a rotatable transmission ring, a storage device adjacent the transmission ring, at least one source pin sized to be storable in the storage device, the storage device having a magnetic force holding the source pin in place, a proximity sensor positioned to sense a presence of the source pin within the storage device, and a source of magnetic force on the transmission ring stronger than the storage device magnetic force, wherein the transmission ring source is configured to move the source pin between the storage device and the transmission ring. Moreover, neither Maki et al. nor Haynor et al., alone or in combination, describe or suggest a source of magnetic force on the transmission ring stronger than the storage device magnetic force. Rather, Maki et al. describes a transmission ring that includes a plurality of receiver openings including a magnetic material to secure a source pin,


and Haynor et al. describes the detection of a position of a magnet associated with an indwelling medical device.. For at least the reasons above, Claim 25 is submitted to be patentable over Maki et al. in view of Haynor et al.

For at least the reasons set forth above, Applicant respectfully requests that the Section 103 rejection of Claims 14-17 and 25 be withdrawn.

Claims 11-12 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Claim 11 is canceled and Claim 10 has been amended to include the recitations of Claim 11 and is therefore submitted to be patentable over the cited art. Claim 12 depends from Claim 10 which is submitted to be patentable. Therefore, Applicant requests that the objection to Claims 11-12 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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